FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 22 2017

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

1630 New Mexico 88, Portales, New Mexico

Case No. 17MR 394

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, which is attached to incorporated in this Application and Affidavit.

located in the United States District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, which is attached to incorporated in this Application and Affidavit.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
21 U.S.C. Secs 841 (a)(1), 841 (b)(1)(C), and 846	Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances.

The application is based on these facts:
See attached Affidavit in support of an Application for a Search Warrant.

☑ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: ____________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Jovanni Suarez, SA, DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/22/17

[signature]
Judge's signature

City and state: Albuquerque, NM

Honorable William Lynch, United States Magistrate Judge
Printed name and title

Affidavit in Support of Search Warrant

I, Jovanni Suarez, being duly sworn, depose and state that:

I am a Special Agent with the Drug Enforcement Administration ("DEA"), United States Department of Justice, and have been so employed since March of 2016. As a result of my training and experience as a DEA Special Agent, I am familiar with federal criminal laws and know it is a violation of:

> 21 U.S.C. §§ 846, 841(a)(1), for any person to conspire to manufacture, distribute, or dispense, or possess with the intent to manufacture, distribute, or dispense a controlled substance;
>
> 21 U.S.C. §§ 841(a) (1), 841(b)(1)(C) for any person to manufacture, distribute, or dispense, or possess with the intent to manufacture, distribute, or dispense a controlled substance;

This affidavit is made in support of an application for a search warrant for the property located at **1630 New Mexico 88, Portales, New Mexico**, which is more particularly described in "Attachment A."

Affiant believes that at the time of the search within the property described in "Attachment A," there will be present fruits, instrumentalities, and 21 U.S.C. §§ 846, 841(a)(1) (conspiracy to distribute or possess with intent to distribute a controlled substance). Specifically, affiant believes that those documents and tangible things listed on "Attachment B" will be present at the time of the search, which documents and tangible things constitute evidence, fruits, and instrumentalities of the criminal violations set forth herein. Affiant requests a search warrant so that he might seize those items listed on "Attachment B," which attachment is hereby attached to this application and incorporated by reference.

Based on my training and experience as a DEA Special Agent, and in discussions with other federal agents, affiant knows that individuals and businesses involved in the above described crimes often maintain documentary records reflecting the receipt of merchandise, shipping manifests, bills of lading, invoices, payment records, receipts, correspondence, ledgers, phone records, client lists, supplier lists, import and export documents and other documents related to the importation, manipulation, sale, transfer and transshipment of merchandise. In affiant's experience, these records are found in hard copy and sometimes in electronic media formats. These types of documents are usually maintained for a long period of time and are not destroyed because they are either necessary to the maintenance of a legitimate business or because they are necessary documents to legitimize an illegitimate business. In addition, the absence of such documents at a person's business is also significant and materially relevant to cases in which importation and exportation of contraband occur.

Also, affiant knows that items of personal identification concerning the identity of the occupants are commonly found in their residences. Identity of the participants is always a material element of every criminal offense. Such items that are probative of identification that are commonly found in a person's residence include driver's licenses, bills, credit cards, credit card receipts, bank statements, telephone and utility bills, personal letters addressed to the occupants, and personal business records located on the premises. These types of documents are likewise usually maintained for a long period of time and are not destroyed.

Based on my training, education, and experience, affiant knows that persons engaged in the trafficking of controlled substances frequently possess and maintain firearms in order to protect their drugs and drug proceeds. Affiant also knows that these firearms are maintained at the drug trafficker's residence, and other locations where drug transactions may take place. Affiant also knows that persons who possess firearms typically possess these firearms for a long period of time.

Based on my training, education, experience as a Special Agent with the Drug Enforcement Administration, I know:

1. that drug traffickers very often place assets, including accounts at financial institutions, in names other than their own to avoid detection of these assets by government or other law enforcement agencies;

2. that even though these assets are in other person's names, the drug dealers continue to use these assets and exercise dominion and control over them;

3. that large-scale narcotics traffickers must maintain on hand large amounts of United States Currency in order to maintain and finance their on-going narcotics business;

4. that illicit drug traffickers maintain books, records, receipts, notes, ledgers, computers with hard drive and floppy discs, airline tickets, money orders, photographs, and other papers relating to the transportation, ordering, sale and distribution of controlled substances; that illicit drug traffickers commonly "front" (provide on consignment) controlled substances to their customers; and that the aforementioned books, records, computers with hard drive and floppy discs, receipts, notes, ledgers etc. are maintained where the illicit drug traffickers have ready access to them;

5. that it is common for large-scale dealers to secrete contraband, proceeds of drug sales, and records of drug transactions in secure locations within their residences, businesses, safe deposit boxes, and obscure locations known only to them, i.e. mail drops,

mini storage warehouses, etc., for ready access and to conceal them from law enforcement authorities;

6. that persons involved in large-scale drug trafficking conceal in their residences, businesses, safe deposits boxes, obscure locations, and vehicles, caches of drugs, large amounts of currency, financial instruments, precious metals, jewelry, personal effects, furs, art, coin collections, and other items of value representing the proceeds of drug transactions; and evidence of financial transactions relating to obtaining, transferring, secreting, or spending large sums of money made from engaging in illegal narcotic trafficking activities;

7. that drug traffickers often purchase expensive vehicles and residences with the proceeds from their drug transactions;

8. that when drug traffickers amass proceeds from the sale of drugs, they often attempt to legitimize these profits. I know that to accomplish this goal, drug traffickers utilize foreign and domestic banks and their attendant services, securities, cashier's checks, money orders, bank drafts, letters of credit, brokerage houses, trusts, partnerships, shell corporations and business fronts;

9. that drug traffickers commonly maintain addresses or telephone numbers in books, papers or electronic devices (computers, caller identification services, pagers and cellular telephones with memory capabilities) which reflect the names, addresses and/or telephone numbers for their associates in the drug trafficking organization;

10. that drug traffickers take, or cause to be taken, photographs of themselves, their associates, their properties, and their products and that these drug traffickers usually keep these photographs in their possession;

11. that drug traffickers usually keep paraphernalia for manufacturing, cutting, packaging, weighing and distributing their drugs. This paraphernalia includes but is not limited to, scales, plastic bags and other packaging materials;

12. that drug traffickers utilize telephones, cellular telephones, digital pagers, utilities, automobiles, motel rooms, apartments, houses and storage units which have been obtained by third parties or obtained in false names to hinder law enforcement investigations and to avoid seizure laws;

13. that drug traffickers keep handguns, assault rifles, rifles, ammunition and other weapons in their residences, businesses, automobiles and storage units to safeguard supplies of drugs and the fruits of narcotics transactions;

14. that the courts have recognized that unexplained wealth is probative

evidence of crimes motivated by greed, in particular, illegal trafficking in controlled substances; and,

15. that drug traffickers are not unlike any other individual in our society, in that they maintain documents and records. These documents and records will normally be retained for long periods of time regardless of whether their value to the individual has diminished. Frequently, this type of evidence is generated, maintained and subsequently forgotten. Documents that one would normally think a prudent person would destroy because of their incriminating nature are still possessed months or even years after they came into the possession of the drug trafficker. Frequently, these individuals do not realize the incriminating nature of the documents they keep. Based upon my experience and upon discussions with other law enforcement agents who have participated in the execution of numerous search warrants, I am aware that during the execution of search warrants, documentary evidence, dating back years, has been found. The documentary evidence commonly seized includes telephone numbers, address books, credit cards and hotel receipts documenting travel, cellular telephone records, accounts and records in fictitious names, fictitious business records, carbon copies of money orders and cashier's checks evidencing large cash expenditures, correspondence and records indicating the existence of storage facilities and other locations used in narcotics trafficking and records indicating the purchase of automobiles, jewelry, real estate, firearms and other assets using drug proceeds.

Affiant, personally has been investigating the illegal distribution of methamphetamine by Leopoldo **Herrera-Gandara** (hereinafter "**Herrera-Gandara**") as well as **Herrera-Gandara**'s associates, in Cochran and Hockley County, Texas, and the surrounding areas. This investigation revealed that **Herrera-Gandara** has managed other persons, known and unknown, in the acquisition and distribution of multiple-pound quantities of methamphetamine in and around Cochran County and the surrounding areas.

Throughout the course of this investigation, various investigative methods have been used to obtain information and evidence relating to **Herrera-Gandara**. Such methods include the use of reliable confidential sources, physical and electronic surveillance, telephone records, audio surveillance, and information received from various police reports and reports from the above-listed law enforcement agencies. All confidential sources and cooperating defendants referred to in this affidavit are believed by your affiant to be credible, reliable, and accurate. Information provided by these confidential sources and cooperating defendants referred to in this affidavit has been corroborated by surveillance, by records checks, and by other investigative techniques.

Facts in Support of Probable Cause

1. **Herrera-Gandara** is the main target of a current investigation and is a multi-pound distributor of methamphetamine. Investigators believe **Herrera-Gandara** is the leader of a large scale drug smuggling organization, including methamphetamine, marijuana and cocaine, and that probable cause exists through the following:

2. In August 2014, a cooperating defendant (hereinafter referred to as CD-1) was arrested at the Sierra Blanca, Texas, United States Border Patrol Checkpoint after being found in possession of 73.39 kilograms (161.4 pounds) of Marijuana hidden in wooden shelves in the vehicle CD-1 was driving. CD-1 was subsequently interviewed by DEA and Border Patrol Special Agents and Federal Public Defender Investigators in El Paso, Texas. CD-1 admitted the load of Marijuana was being transported to Morton, Texas for **Herrera-Gandara**. CD-1 stated he/she drove to Juarez, Mexico and met **Herrera-Gandara's** brother, who loaded various ceramics and the boxes of shelving in the vehicle. CD-1 stated co-conspirator, Arcadio Ornelas Jr., would receive the shelves from **Herrera-Gandara** and further added **Herrera-Gandara** would ship Marijuana in shelves to Kansas. CD-1 stated he/she was told that **Herrera-Gandara** and other individuals involved in the drug organization would put a hit out on CD-1 if he/she "snitched" on the organization.

3. In April of 2015, the now deceased Armando Madrid Navarrette (hereinafter referred to as Navarrette), was arrested by DEA Special Agents at the Greyhound Bus Terminal in Albuquerque, New Mexico after being found in possession of .65 kilograms of methamphetamine, which was in a body carry cloth on Navarrette's person. Navarrette told Special Agents he was traveling to Amarillo, Texas. In March of 2017, during a later interview with Navarrette's nephew, co-conspirator Johnathan Navarrette GARZA, Jonathan GARZA told investigators of this incident, and stated that the methamphetamine Navarrette was caught with belonged to **Herrera-Gandara**.

4. In August of 2016, during a debriefing of a cooperating defendant (hereinafter referred to as CD-2), CD-2 identified **Herrera-Gandara** as a multi-pound methamphetamine source who lived in Morton, Texas. CD-2 stated he/she would purchase up to two (2) pounds of methamphetamine per week from **Herrera-Gandara**. CD-2 further stated **Herrera-Gandara** would regularly send people to Phoenix, AZ on his behalf to pick up shipments of methamphetamine. Upon their return, **Herrera-Gandara** would then resell the methamphetamine to various people in Morton and Levelland, Texas. CD-2 stated **Herrera-Gandara** owned

property in Morton, but that **Herrera-Gandara** would often live in locations inside New Mexico, just a few miles inside the Texas and New Mexico state line, in order to avoid law enforcement. Investigating personnel later learned of an address **Herrera-Gandara** was utilizing located at **1630 New Mexico 88 in Arch, NM**. Surveillance operations verified **Herrera-Gandara** was in fact residing at the **1630 New Mexico 88 in Arch, NM**.

5. In August of 2016, cooperating defendant (hereinafter referred to as CD-3) was interviewed by a Texas DPS CID Special Agent, a Cochran County Deputy Sheriff and an Investigator from the Hockley County District Attorney's Office. CD-3 stated he/she had been transporting and distributing methamphetamine for **Herrera-Gandara** for approximately two years. CD-3 stated he/she began buying user amounts of cocaine from **Herrera-Gandara** in the early stages of dealing with **Herrera-Gandara**. CD-3 stated that he/she had been driving to Arizona two (2) to three (3) times a month to pick up four (4) to five (5) pounds of methamphetamine for **Herrera-Gandara** at the cost of $5,000.00 per pound. CD-3 stated he/she would drive **Herrera-Gandara's** black Mercedes Benz on these trips. CD-3 stated the methamphetamine would be hidden in the hollowed out walls of a cooler and that he/she would be paid $800.00 per pound by **Herrera-Gandara** for the transportation of the methamphetamine. CD-3 also admitted to transporting approximately 50 to 75 pounds of marijuana to Kansas for **Herrera-Gandara** and two trips of 150 pounds of marijuana to a cousin of **Herrera-Gandara's** in Kansas. CD-3 stated **Herrera-Gandara** stores multiple ounces of methamphetamine in **Herrera-Gandara's** old house located at 310 Southeast 6th Street, Morton. CD-3 stated **Herrera-Gandara** also had a neighbor (Alan LOPEZ) who was in high school in Morton who would sell marijuana.

6. In January of 2017, surveillance was conducted at **Herrera-Gandara's** residence at **1630 New Mexico 88 in Arch, NM**. Surveillance observed **Herrera-Gandara's** white colored 2003 GMC Yukon, bearing Texas license plates HNF-8119, parked at the residence.

7. In January of 2017, **Herrera-Gandara** sold 115 grams of methamphetamine to an undercover DPS CID Special Agent for $2,000.00 from inside the residence of Alan LOPEZ, located at 304 Southeast 6th Street, Morton. Prior to the controlled purchase, surveillance observed **Herrera-Gandara's** white colored 2003 GMC Yukon parked alongside the curb in front of the residence.

8. In February of 2017, after communication via text message, an undercover DPS CID Special Agent purchased 111 grams of methamphetamine from **Herrera-Gandara** for $2,000.00 The undercover Special Agent asked **Herrera-Gandara** if **Herrera-Gandara** could transport the methamphetamine to Lubbock, Texas. **Herrera-Gandara** informed the undercover Special Agent that **Herrera-**

Gandara could transport the methamphetamine or one of the "kids" (referring to Alan LOPEZ and Andrew WALLACE) could transport the methamphetamine. **Herrera-Gandara** also informed the undercover Special Agent that **Herrera-Gandara** could give a pound of methamphetamine to the undercover Special Agent, who could pay for the pound at a later date. **Herrera-Gandara** also informed the undercover Special Agent that **Herrera-Gandara** would charge $450.00 per ounce.

9. In February of 2017, a DPS CID Special Agent interviewed a cooperating defendant (hereinafter referred to as CD-4), in Levelland, Texas. CD-4 stated that he/she travelled to Arizona in the summer of 2016 and picked up just over two pounds of methamphetamine. CD-4 explained that the methamphetamine had been hidden in a hollowed out cooler and that he/she had transported the methamphetamine to **Herrera-Gandara** at **Herrera-Gandara**'s residence at **1630 New Mexico 88 in Arch, NM**. CD-4 stated he began selling methamphetamine received from **Herrera-Gandara** and also began a second trip to Arizona with money that belonged to **Herrera-Gandara** but did not complete the trip.

10. In February of 2017, an undercover DPS CID Special Agent was in communication with **Herrera-Gandara** for the delivery of approximately four (4) ounces of methamphetamine. **Herrera-Gandara** notified the Special Agent via text message that methamphetamine was being delivered. A short time later, Alan LOPEZ made contact with the Special Agent and made arrangements to meet with the Special Agent. Alan LOPEZ then sold 110 grams of methamphetamine to the Special Agent in Levelland, Texas for $1,800.00, which was the price negotiated by the undercover Special Agent and **Herrera-Gandara**.

11. In February of 2017, surveillance observed **Herrera-Gandara's** white colored 2003 GMC Yukon at **Herrera-Gandara**'s residence at **1630 New Mexico 88 in Arch, NM.**

12. A court authorized vehicle tracker was placed on the vehicle of Andrew WALLACE. On March 2, 2017, the vehicle tracker showed that Andrew WALLACE's vehicle was present at **Herrera-Gandara's** residence at **1630 New Mexico 88 in Arch, NM.** After departing the residence en-route to Morton, TX, Andrew WALLACE's vehicle, driven by Andrew WALLACE and occupied by Alan LOPEZ and Manuel MENDOZA, traveled eastbound on TX-114 before being pulled over for speeding in Cochran County, TX. A subsequent search revealed Andrew WALLACE in possession of approximately twelve (12) grams of marijuana and trace amounts of methamphetamine and cocaine.

13. In March of 2017, Johnathan GARZA and Angela Ann ZAMORA were arrested in Springerville, Arizona after being found in possession of just over two pounds of methamphetamine and a pistol. Recorded jail phone calls were listened to by

investigators and both Jonathan GARZA and Angela ZAMORA talked to family members about how the methamphetamine belonged to **Herrera-Gandara**.

14. In March of 2017, a DPS CI, who had previously provided credible and truthful information that was later corroborated by investigators, was interviewed by a DPS CID Special Agent and a Cochran County Deputy Sheriff in Morton, Texas, who stated **Herrera-Gandara** had bundles of Marijuana stacked on the floor at **Herrera-Gandara's 1630 New Mexico 88 in Arch, NM**. The CI stated **Herrera-Gandara** does not have a job but owns race horses and has high school aged kids selling Cocaine and Marijuana in Morton, Texas. The CI also stated **Herrera-Gandara** owns two Smith and Wesson semiautomatic 9 mm pistols and is always in possession of one of the guns.

15. In March of 2017, Angela ZAMORA was interviewed in Levelland, Texas by a DPS CID Special Agent and a Levelland Police Officer following an arrest for methamphetamine possession. Angela ZAMORA stated she and Jonathan GARZA travelled to **Herrera-Gandara's** residence in **Arch, New Mexico**, where **Herrera-Gandara** gave the money to Jonathan GARZA for the methamphetamine and **Herrera-Gandara's** wife gave Jonathan GARZA and Angela ZAMORA directions of where to go in Phoenix, Arizona to pick up the methamphetamine.

16. In March of 2017, after having negotiated with an undercover DPS CID Agents, **Herrera-Gandara** sent Alan LOPEZ to Levelland, Texas in **Herrera-Gandara's** SUV. Alan LOPEZ delivered and sold 125.6 grams of methamphetamine to the undercover DPS CID Special Agent for $2,000.00 on behalf of **Herrera-Gandara**.

17. In March of 2017, Jonathan GARZA was interviewed in Levelland, Texas by investigators. Jonathan GARZA stated he had known **Herrera-Gandara** to be distributing methamphetamine for ten years. Jonathan GARZA stated that he had been receiving methamphetamine from **Herrera-Gandara** for five years. Jonathan GARZA admitted to transporting the two pounds of methamphetamine he was arrested with in Arizona, and stated it was destined to Texas to be delivered to **Herrera-Gandara**. Jonathan GARZA stated one pound was paid for with the $3,000.00 **Herrera-Gandara** gave to Jonathan GARZA at the residence in **Arch, New Mexico** and that the other pound was fronted. Jonathan GARZA stated he was still receiving methamphetamine from **Herrera-Gandara**. During the interview, Jonathan GARZA had an incoming phone call from **Herrera-Gandara**. Jonathan GARZA gave a thorough description of **Herrera-Gandara's** residence and then identified **Herrera-Gandara's** residence via Google Maps by directing investigators to the residence and then pointing the residence out when it was observed by Jonathan GARZA. DEA Task Force Officer Shawn Wilson confirmed the residence to be **1630 New Mexico 88 in Arch, NM.**

18. In March of 2017, **Herrera-Gandara** was stopped by a Cochran County Deputy Sheriff for disregarding a stop sign. The vehicle was searched due to the odor of marijuana and visible marijuana debris in the vehicle. **Herrera-Gandara** told the Deputy that there was a pistol in the center console and added that the firearm belonged to **Herrera-Gandara's** wife. A 9mm semiautomatic Smith & Wesson pistol was located in the console. **Herrera-Gandara's** wife arrived at the location and claimed ownership of the firearm.

19. In April of 2017, **Herrera-Gandara** had been in contact with an undercover DPS CID Special Agent by text and eventually called the undercover Special Agent. **Herrera-Gandara** had been in discussions with the undercover Special Agent for the arrangement the sale of one (1) pound of methamphetamine for $5,500.00. Later discussion with Alan LOPEZ were discussed about having the undercover Special Agent drive to El Paso, Texas to pick up a load of narcotics to be transported back to Morton for **Herrera-Gandara**.

20. In May of 2017, **Herrera-Gandara** was stopped in Morton by a Cochran County Deputy Sheriff for a traffic violation. The Deputy smelled marijuana and located a user amount of marijuana and a 9mm semiautomatic Smith & Wesson pistol in the vehicle on the passenger side. **Herrera-Gandara** again stated the firearm belonged to **Herrera-Gandara's** wife, who again arrived at the stop location and claimed ownership of the pistol. The marijuana and firearm were seized by the Cochran County Sheriff's Officer pending further investigation.

21. In May of 2017, agents observed **Herrera-Gandara's** white colored 2003 GMC Yukon parked at the **1630 New Mexico 88 in Arch, NM** residence.

22. In May of 2017, a utilities check of the **1630 New Mexico 88 in Arch, NM** residence was conducted by investigators. The utilities returned to Luz I. Muro-Herrera, who agents have identified as **Herrera-Gandara's** wife.

23. A Work Force Commission report on **Herrera-Gandara** was obtained from Texas. **Herrera-Gandara** shows no record of employment.

24. As mentioned above, Affiant is thoroughly familiar with the information contained in this Affidavit, either through his own investigation or through information received from other law enforcement officers or confidential sources, and reading the reports of investigation generated as a result of this multi-agency joint investigation.

CONCLUSION

Based on the above information, Affiant believes that Leopoldo **Herrera-Gandara**, as well as his associates, are members of a drug trafficking organization responsible for the distribution of multiple pounds of methamphetamine in the Cochran County, Texas and surrounding areas. Affiant believes that Leopoldo **Herrera-Gandara** utilizes his **1630 New Mexico 88 in Arch, NM** residence to advance his drug trafficking activities. Multiple cooperating defendants and confidential informants, deemed credible after information provided by each party was independently corroborated by investigators, have informed that **Herrera-Gandara** inhabits the residence and utilizes the residence to support his drug trafficking activities. Surveillance has observed **Herrera-Gandara's** vehicle at the location on multiple occasions. Investigative methods, including the utilization of a vehicle tracker, have revealed that confirmed criminal associates of **Herrera-Gandara's** drug trafficking organization, identified through direct undercover purchases and various methods of surveillance, have traveled to the residence. Affiant believes that evidence of these violations will be found, as described in Attachment B. Therefore, Affiant believes that probable cause exists for the issuance of a search warrant as requested above.

REQUEST FOR NO-KNOCK ENTRY

Affiant requests that the Court authorize law enforcement to make a "no-knock" entry. As previously mentioned in this affidavit, there is probable cause to believe, and probable cause that Leopoldo **Herrera-Gandara** is involved in an extensive methamphetamine trafficking conspiracy. Affiant knows by virtue of his training, education and experience that firearms are considered by federal courts to be "tools of the trade" of drug trafficking. Affiant has participated in numerous narcotics search warrants, and it is Affiant's experience that firearms, or other weapons, are often possessed in residences used to distribute controlled substances, for the purposes of protecting the controlled substance stash, protecting the proceeds derived from the sale thereof, and as a contingency against arrest. Further, it is Affiant's experience that drug traffickers frequently dispose of drugs by flushing or other means from the time they become aware of the officers' presence until entry is made and the residents of the premises to be searched are secured. Because there is probable cause to believe that **Herrera-Gandara** is involved in drug trafficking. Affiant requests that the Court authorize law enforcement to execute the requested search warrant without knocking and announcing its presence. Reference United States v. Washington, 340 F.3d 222, 227 (5th Cir. 2003).

Affiant also requests that the Court authorizes law enforcement to make entry into the residence simultaneously with other search warrants being served at locations criminally associated with **Herrera-Gandara** in the Northern District of Texas on May 23, 2017. It is Affiant's knowledge that **Herrera-Gandara's** residence at **1630 New Mexico 88**

in Arch, NM is located in the Mountain Time Zone (MT), while the locations in the Northern District of Texas are located in the Central Time Zone (CST). Affiant believes that making entry at the **1630 New Mexico 88 in Arch, NM** at a later time than the locations in the Northern District of Texas will provide **Herrera-Gandara** and/or his criminal associates with ample time to dispose or conceal controlled substances, items and instruments related to **Herrera-Gandara's** drug trafficking activities, and proceeds possibly stored at the residence. Law enforcement plans to serves the search warrant in the Northern District of Texas at 6:00 a.m. (CST). Therefore, law enforcement requests Court authorization to make entry at **1630 New Mexico 88 in Arch, NM** at 5:00 a.m. (MT).

JOVANNI SUAREZ
Special Agent
Drug Enforcement Administration (DEA)

Sworn and subscribed before me this 22d day of May 2017

HONORABLE WILLIAM LYNCH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

Attachment "A"

A residence located at 1630 New Mexico 88, Portales, New Mexico. The residence is described as a single story, single family residence. It is further described as being constructed of cream colored stucco siding with white color trim. The residence's roof is a white color metal. The front door of the residence faces south and is white in color, with yellow framed glass windows on the door, and also has a glass storm door with a white metal frame. The residence has a side entry door on the east side of the residence which is white in color and has a glass storm door with a white metal frame. The front porch of the residence is concrete with concrete steps and does not have railings around the porch. To the east of the residence is a two car carport made of metal pipe with a tin metal roof. Behind the residence sits wooden framed storage building with metal siding attached in various locations of the building. The target residence is located on the north side of the New Mexico 88, between S. Roosevelt Road G and S. Roosevelt Road F.

Attachment "B"

1. Books, records, receipts, notes, ledgers, airline tickets, bank records, money orders, and other papers relating to the transportation, ordering, sale, and distribution or illegal controlled substances including, but not limited to, marijuana and cocaine;

2. Currency, financial instruments, precious metals, jewelry, vehicle registration receipts, property titles, and other items of value and/or proceeds of drug transactions relating to obtaining, transferring, secreting, or spending large sums of money made from engaging in illegal controlled substances;

3. Books, records, receipts, notes, airline tickets, and other records evidencing significant cash expenditures, such as aircraft, boats, vehicles, and other items of value that are the proceeds of illegal drug transactions, and further showing the concealment of the source and ownership of such cash, proceeds, and items of value by use of false names, postal box addresses, addresses of relatives and acquaintances, sham corporations, and other such devices;

4. Telephone and address books or papers that reflect names, addresses, and/or telephone numbers for their associates in dealing in illegal controlled

substances and persons or entities from whom proceeds of drug transactions or other items of value have been obtained and in what manner said proceeds are presently maintained;

5. Photographs, negatives, videotapes, films, undeveloped film, slides, and other media-containing material of individual, conspirators, property, firearms, assets purchased with drug proceeds, United States currency, and illegal controlled substances;

6. Books, records, receipts, notes, identification documents, and other papers indicating that the persons associated with the organization described within this affidavit are presently using aliases or assumed names other than their names and are representing themselves to others under these assumed or alias names in order to hide and conceal themselves from law enforcement authorities to disguise their current activities;

7. Paraphernalia for using, packaging, processing, diluting, weighing, and distributing controlled substances including, but not limited to: scales, plastic bags, and heat-sealing devices;

8. Books, records, receipts, notes, ledgers, and other papers relating to the distribution of controlled substances;

9. Personal books and papers reflecting names, addresses, telephone numbers, and other contact or identification data relating to the distribution of controlled substances;

10. Cash, currency, and records relating to income and expenditures of money and wealth concerning controlled substances, including but not limited to: money orders, wire transfers, cashier's checks, receipts, bank statements, passbooks, checkbooks, and cash registers;

11. Items of personal property that tend to identify the person(s) in residency, occupancy, control, or ownership of the premises that is the subject of this warrant, including but not limited to canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys;

12. Airline tickets, notes and itineraries, airline schedules, bills, charge card receipts, hotel, motel, and rent-a-car statements, correspondence with travel agencies and other travel-related businesses, airline, rent-a-car, and hotel frequent flier or user cards and statements, passports and visas, and other papers relating to domestic and international travel;

13. Metal or cardboard cans or any other object that is modified or is capable of being modified to conceal contraband within, as well as money belts, or other devices used to conceal contraband and drug proceeds;

14. Computer hard drives, address books, and electronic organizers that can be used to maintain storage of records created, modified or stored in electronic or magnetic form and any data, image, or information that is capable of being read or intercepted by a computer. In order to search for any items to be seized that were prepared, modified, or stored in electronic or magnetic form, searching agents may seize and search the following:

    i. Any computer hardware or computer-related equipment capable of creating or storing information in electronic or magnetic form;

    ii. Any computer peripheral used to facilitate the transmission, creation, display, encoding or storage of information, images and data including word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners;

iii. Any magnetic or electronic storage device such as floppy diskettes, hard disks, backup tapes, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks;

iv. Computer software, documentation, operating logs and instruction manuals relating to the operation of the computer hardware and software to be searched;

v. Application software, utility programs, computers, compilers, interpreters, and other programs or software used to facilitate direct or indirect communication with the computer hardware and software to be searched;

vi. Any physical keys, encryption devices and similar physical items that are necessary to gain access to the computers to be searched or are necessary to gain access to the programs, data, and information contained on the computer to be searched;

vii. Any passwords, password files, test keys, encryption codes or other computer codes necessary to access the computers to be searched or to convert data, file or information on the computers into readable form;

viii. Electronically stored communications or messages, including any of the items to be seized that may be found in electronic mail ("e-mail"); and

(1) all firearms as that term is defined by Title 18, United States Code, Section 921(a)(3), magazines, firearm accessories, ammunition, and any other firearms related items.

(2) Counter-surveillance equipment including, but not limited to, video surveillance devices, night vision equipment, electronic listening devices, motion sensors, alarms, and communication devices; and

(3) Electronic communication devices including, but not limited to, cellular telephones, answering machines, caller identification devices, paging devices, and all contents contained within each of these devices used to facilitate drug trafficking and money laundering activities.